IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 883 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMABHAI B PATEL THROUGH LEGALHEIRS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 883 of 1994

MR YN OZA for Petitioner No. 1-1/4

GOVERNMENT PLEADER for Respondent No. 1

..... for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 12/04/2004

ORAL JUDGEMENT

The petitioners have challenged the decision of

the Urban Land Tribunal, Ahmedabad at Annexure.B to the petition whereby the order of the competent authority declaring the excess land of 15979 sq.mtrs. was reduced to 13979 sq.mtrs.

2. The decision of the Tribunal dated 31st May 1991 was challenged by the petitioner by filing the petition. In paragraph 6, the petitioners have averred that the land is in their possession and they have come to know that the respondents are likely to take possession of the same and therefore, they have no other alternative remedy but to approach this Court.

3. While admitting this petition, this Court by order dated 30th August 1994, directed both the sides to maintain status-quo. There is no reply filed by the respondents.

4. Prima facie, from the record of the case, it seems that the possession of the land is with the petitioners. However, if the respondents have taken possession, it will be open for them to file appropriate application by producing evidence on record to establish that they have taken possession. Otherwise, in view of the fact that the Urban Land (Ceiling and Regulation) Act has been repealed and in view of the provisions of Section 4 of amending Act, the proceedings which are pending before the authority are abated, the present petition is also abated.

5. In the result, the petition is dismissed. Rule is discharged. Interim relief stands vacated. No order as to costs. Liberty to apply in case of difficulty.

(K.S. Jhaveri, J.)

Sreeram.